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DOCKET NO.: 2021-882
REGARDING: **Lafayette City Planning & Zoning Commission**
Lafayette Parish Planning & Zoning Commission
Lafayette Board of Zoning Adjustment
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1. LAFAYETTE CITY PLANNING & ZONING COMMISSION

Question 1

Whether the Code would prohibit an appointed City Commission member from submitting an application for the subdivision or resubdivision of property in the City of Lafayette?

Generally, 1113B prohibits a City Commission member, an immediate family member, and a legal entity in which they have a substantial economic interest, from submitting an application that is under the supervision or jurisdiction of the City Commission. However, the provisions in 1123(34) provide a limited exception to allow a City Commission member, an immediate family member, or a legal entity in which they have a substantial economic interest, to submit an application for subdivision or resubdivision to the City Commission, **provided that all requirements of 1123(34) are met.**

Question 2

Whether the Code would prohibit an appointed City Commission member from submitting an application for a less restrictive zoning classification for property located in the City of Lafayette?

The exception in 1123(34) expressly states that the zoning of such subdivided property **shall not be less restrictive** than the zoning of the original property. Thus, an appointed member of the City Commission is prohibited from submitting a subdivision application for a less restrictive zoning of the original property. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such request in connection with a subdivision or resubdivision application to the City Commission.

Question 3

Whether the Code would prohibit an appointed City Commission member from submitting an application to subdivide non-residential property located in the City of Lafayette?

The exception in 1123(34) expressly states that the subdivision, resubdivision, or zoning of such property **shall be for residential purposes only.** Thus, an appointed member of the City Commis-

sion is prohibited from submitting an application to subdivide any non-residential property. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such request in connection with a subdivision or resubdivision application to the City Commission.

Question 4

Whether the Code would prohibit an appointed City Commission member from submitting applications involving more than twelve lots located in the City of Lafayette per calendar year?

The exception in 1123(34) expressly states that the application or applications submitted by or on behalf of the public servant, a member of his immediate family, or legal entity, collectively, shall be limited to the subdivision, resubdivision, or zoning of **not more than twelve lots per calendar year and the construction of not more than twelve residential units per calendar year**. Thus, an appointed member of the City Commission is prohibited from submitting an application for any lots or units in excess of twelve per calendar year. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such excess requests in connection with subdivision or resubdivision applications to the City Commission.

Question 5 - Prohibited Participation

Whether a prohibited transaction under 1113B would be cured by the recusal of the appointed City Commission member?

Generally, 1120.4 requires an appointed member to recuse himself if a violation of 1112 will occur. Further, the exception in 1123(34) contains a specific requirement that the public servant shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

As a result, each appointed City Commission member must recuse himself from **any discussion, debate, and vote on any application** that comes before the City Commission in which a violation of any provision of Section 1112 may occur. Recusal as to an application that does not meet the requirements of 1123(34) does not cure a potential violation of the Code.

Question 6 - Resignation

Whether the Code would require an appointed member of the City Commission to resign from their public position to avoid a potential violation of the Code?

The Code does not require resignation. Instead, an appointed member can choose not to undertake the conduct which would be a violation of the Code. However, if an appointed member of the City Commission chooses to resign in an attempt to prevent a potential violation of any provision of the Code, the post-employment restrictions of the Code will apply. We can provide an information sheet on the provisions. If a member has a question as to the application of these provisions to transactions with their former agency, they should seek an advisory opinion on the issue.

2. LAFAYETTE PARISH PLANNING & ZONING COMMISSION

Question 1

Whether the Code would prohibit an appointed Parish Commission member from submitting an application for the subdivision or resubdivision of property in Lafayette Parish?

Generally, 1113B prohibits a Parish Commission member, an immediate family member, and a legal entity in which they have a substantial economic interest, from submitting an application that is under the supervision or jurisdiction of the Parish Commission. However, the provisions in 1123(34) provide a limited exception to allow a Parish Commission member, an immediate family member, or a legal entity in which they have a substantial economic interest, to submit an application for subdivision or resubdivision to the Parish Commission, **provided that all requirements of 1123(34) are met.**

Question 2

Whether the Code would prohibit an appointed Parish Commission member from submitting an application for a less restrictive zoning classification for property located in Lafayette Parish?

The exception in 1123(34) expressly states that the zoning of such subdivided property **shall not be less restrictive** than the zoning of the original property. Thus, an appointed member of the Parish Commission is prohibited from submitting a subdivision application for a less restrictive classification of the original property. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such request in connection with a subdivision or resubdivision application to the Parish Commission.

Question 3

Whether the Code would prohibit an appointed Parish Commission member from submitting an application to subdivide non-residential property located in Lafayette Parish?

The exception in 1123(34) expressly states that the subdivision, resubdivision, or zoning of such property **shall be for residential purposes only.** Thus, an appointed member of the Parish Commission is prohibited from submitting an application to subdivide any non-residential property. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such request in connection with a subdivision or resubdivision application to the Parish Commission.

Question 4

Whether the Code would prohibit an appointed Parish Commission member from submitting applications involving more than twelve lots located in Lafayette Parish per calendar year?

The exception in 1123(34) expressly states that the application or applications submitted by or on behalf of the public servant, a member of his immediate family, or legal entity, collectively, shall be

limited to the subdivision, resubdivision, or zoning of **not more than twelve lots per calendar year and the construction of not more than twelve residential units per calendar year**. Thus, an appointed member of the Parish Commission is prohibited from submitting an application for any lots or units in excess of twelve per calendar year. As a result, the 1123(34) exception would not apply in this situation and 1113B would prohibit any such excess requests in connection with subdivision or resubdivision applications to the Parish Commission.

Question 5 - Prohibited Participation

Whether a prohibited transaction under 1113B would be cured by the recusal of the appointed Parish Commission member?

Generally, 1120.4 requires an appointed member to recuse himself if a violation of 1112 will occur. Further, the exception in 1123(34) contains a specific requirement that the public servant shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

As a result, each appointed Parish Commission member must recuse himself from **any discussion, debate, and vote on any application** that comes before the Parish Commission in which a violation of any provision of Section 1112 may occur. Recusal as to an application that does not meet the requirements of 1123(34) does not cure a potential violation of the Code.

Question 6 - Resignation

Whether the Code would require an appointed member of the Parish Commission to resign from their public position to avoid a potential violation of the Code?

The Code does not require resignation. Instead, an appointed member can choose not to undertake the conduct which would be a violation of the Code. However, if an appointed member of the Parish Commission chooses to resign in an attempt to prevent a potential violation of any provision of the Code, the post-employment restrictions of the Code will apply. We can provide an information sheet on the provisions. If a member has a question as to the application of these provisions to transactions with their former agency, they should seek an advisory opinion on the issue.

3. LAFAYETTE BOARD OF ZONING ADJUSTMENT

Question 1

Whether members of the Board of Zoning Adjustment would be prohibited by the Code from submitting applications for subdivisions and/or resubdivisions?

Since applications for subdivision and/or resubdivision of properties are under the supervision or jurisdiction of the City Commission or the Parish Commission, the appointed members of the Board of Zoning Adjustment would not be prohibited by 1113B from submitting applications to either the City Commission or Planning Commission for the subdivision or resubdivision of property.

In the event an appointed member of the Board of Zoning Adjustment submits an application for subdivision or resubdivision that also requires a variance to be approved by the Board of Zoning Adjustment, **the exception in 1123(34) would allow the application, provided that all requirements of the exception are met, including that the subdivided property shall not be less restrictive than the zoning of the original parcel.** Appointed members of the Board of Zoning Adjustment would be prohibited by 1113B from submitting variance applications for all other situations that do not meet the requirements of the 1123(34) exception.

Question 2

Whether a prohibited transaction under 1113B would be cured by the recusal of the appointed member of the Board of Zoning Adjustment?

Generally, 1120.4 requires an appointed member to recuse himself if a violation of 1112 will occur. Further, the exception in 1123(34) contains a specific requirement that the public servant shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

As a result, each appointed member of the Board of Zoning Adjustment must recuse himself from any discussion, debate, and vote on **any application** that comes before the Board of Zoning Adjustment in which a violation of any provision of Section 1112 may occur. Recusal as to an application for a variance that does not meet the requirements of 1123(34) does not cure a potential violation of the Code for appointed members of the Board of Zoning Adjustment.

Resignation

Whether the Code would require an appointed member of the Board of Zoning Adjustment to resign from their public position to avoid a potential violation of the Code?

The Code does not require resignation. Instead, an appointed member can choose not to undertake the conduct which would be a violation of the Code. However, if an appointed member of the Board of Zoning Adjustment chooses to resign in an attempt to prevent a potential violation of any

provision of the Code, the post-employment restrictions of the Code will apply. We can provide an information sheet on the provisions. If a member has a question as to the application of these provisions to transactions with their former agency, they should seek an advisory opinion on the issue.